

Regular Session, 2010

HOUSE BILL NO. 1470 (Substitute for House Bill No. 938 by Representative Michael Jackson)

BY REPRESENTATIVE MICHAEL JACKSON

MTR VEHICLE/INSPECTION: Provides local option elections for the adjustment of motor vehicle inspection fees in the nonattainment zone

1 AN ACT

2 To amend and reenact R.S. 32:1305(C) and to enact R.S. 32:1304(H) and 1306.1, relative
3 to motor vehicles; to require certain vehicles to be inspected in certain parishes; to
4 authorize an increased fee for inspection and maintenance programs in parishes in
5 the nonattainment area; to permit local option elections in parishes in the
6 nonattainment area; to provide relative to the conduct of such elections and the costs
7 thereof; to exempt certain parishes; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 32:1305(C) is hereby amended and reenacted and R.S. 32:1304(H)
10 and 1306.1 are hereby enacted to read as follows:

11 §1304. Secretary to require periodical inspection

12 * * *

13 H. No motor vehicle registered in a parish that adopts the charge authorized
14 by R.S. 32:1306.1 shall be inspected in a parish other than the parish of registration.

15 §1305. Appointment of official inspection stations

16 * * *

17 C. The director shall properly supervise and cause inspections to be made of
18 such stations and shall revoke and require the surrender of the permit issued to a
19 station which he finds is not properly equipped or conducted. The director shall also

1 revoke and require the surrender of the permit when such station issues an
2 inspection certificate in violation of R.S. 32:1304(H). The director shall maintain
3 and post at the office of the department lists of all stations holding permits and of
4 those whose permits have been revoked.

5 * * *

6 §1306.1. Inspection and maintenance program fees; nonattainment area; local
7 election

8 A. Upon adoption of a proposition approved by the voters of a nonattainment
9 area parish as provided for in this Section, seven dollars shall be charged for each
10 inspection that includes the performance of the inspection and maintenance (I/M)
11 program pursuant to the provisions of R.S. 30:2054(B)(8) for 1980 or newer model
12 year motor vehicles. This charge shall be in addition to the charge provided for in
13 R.S. 32:1306(C)(3)(a).

14 B. As the legislature finds that the use of mass transit by its citizens would
15 result in reduced ozone formation, the Department of Public Safety and Corrections
16 shall transfer the charge authorized by this Section to local entities for the
17 improvement and development of mass transit systems. The charge authorized by
18 this Section and collected for motor vehicle inspections in East Baton Rouge Parish
19 shall be transferred directly to the Capital Area Transit System, R.S. 48:1451, et. seq.
20 and shall be operating revenue or income, as defined by R.S. 48:756(C)(3), used in
21 calculating the Capital Area Transit System's distribution as described in R.S.
22 48:756(B)(2). The charge authorized by this Section and collected for motor vehicle
23 inspections in other nonattainment area parishes shall be transferred to the parish
24 governing authority of that parish to develop mass transit systems.

25 C.(1) The parish governing authority may, by ordinance or resolution, call
26 an election for the purpose of submitting to the qualified electors of the parish the
27 question of whether the charge authorized by this Section will be assessed in that
28 parish. Such election shall be held at the same time as the statewide election
29 scheduled for November 2, 2010.

1 (2) The ballot for the election shall state as follows:

2 "Local Option Election

3 Within _____ (name of parish within the nonattainment area), shall an
4 additional eight dollars be charged for each motor vehicle inspection that includes
5 the performance of the inspection and maintenance (I/M) program with the
6 additional seven dollar charge being used for mass transit purposes? YES () .
7 NO () "

8 (3) If the question of such charge assessment is approved by a majority of
9 the qualified electors voting on the proposition in the parish, then the charge
10 authorized by this Section shall be implemented in that parish.

11 (4) The secretary of state shall prepare the ballot for the election.

12 (5) Except as otherwise provided, the election required shall be conducted
13 in accordance with the Louisiana Election Code.

14 (6) Notwithstanding Chapter 8-A of the Louisiana Election Code, the costs
15 of the election required in this Section shall be borne by the state.

16 D. The provisions of this Section shall not apply in the parishes of
17 Livingston and Ascension.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Michael Jackson

HB No. 1470

Abstract: Authorizes parishes in the nonattainment zone to call local option elections to determine if an additional fee will be added to each motor vehicle inspection that includes the performance of the I/M program. Further provides that the additional monies generated by the fee shall be used for mass transit projects.

Present law provides for an annual charge of \$10 for each certificate of inspection and approval issued to a motor vehicle.

Proposed law retains present law.

Present law provides that within the nonattainment zone (currently Ascension, East Baton Rouge, Livingston, Iberville, and West Baton Rouge parishes), an additional \$8 shall be charged for each inspection that includes the performance of the inspection and maintenance (I/M) program.

Proposed law retains present law.

Proposed law provides that an additional \$7 may be charged for each inspection that includes the performance of the inspection and maintenance (I/M) program if the following occurs:

- (1) The parish governing authority adopts a resolution or ordinance authorizing the proposition of charging the fee authorized by proposed law on the Nov. 2, 2010, ballot.
- (2) The majority of qualified elected voters approve the fee.

Proposed law provides that if the voters in a parish approve the additional fee, all vehicles registered in that particular parish must have their vehicle inspected in the parish of registration. Proposed law provides that station operators that violate this provision of proposed law shall lose their inspection permit.

Proposed law provides that, except in East Baton Rouge Parish, if the voters in a parish approve the additional fee, the monies collected shall be transferred to the parish the funds were collected in and used for mass transit purposes.

Proposed law provides that if in East Baton Rouge Parish the voters approve the additional fee, the funds collected shall be transferred to the Capital Area Transit System and used as operating revenue or income to be used in the distribution calculation for mass transit funds from the Parish Transportation Fund.

Proposed law excludes the parishes of Ascension and Livingston from proposed law.

(Amends R.S. 32:1305(C); Adds R.S. 32:1304(H) and 1306.1)

Summary of Amendments Adopted by House

House Floor Amendments to the engrossed bill.

1. Changed references to "nonattainment zone" to "nonattainment area".
2. Provided that if the voters in a parish approve the additional fee, all vehicles registered in that particular parish must have their vehicle inspected in the parish of registration. Provides that station operators that violate this provision of proposed law shall lose their inspection permit.
3. Provided that the additional fee, if passed by the voters, shall be \$7 rather than \$8 and deletes the provision sending \$1 to DPS&C.
4. Provided that, except in East Baton Rouge Parish, if the voters in a parish approve the additional fee, the monies collected shall be transferred to the parish the funds were collected in and used for mass transit purposes.
5. Provided that if in East Baton Rouge Parish the voters approve the additional fee, the funds collected shall be transferred to the Capital Area Transit System and used as operating revenue or income to be used in the distribution calculation for mass transit funds from the Parish Transportation Fund.
4. Deleted provision creating the Nonattainment Zone Mass Transit Fund.